



W.P.(MD).Nos. 3107, 4338 and 5624 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON :10.07.2025

ORDER PRONOUNCED ON : 06.08.2025

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).Nos.3107, 4338 and 5624 of 2024
and
WMP(MD).Nos.4161 & 5333 of 2024**

WP(MD).No.3107 of 2024

- 1.V.Pachammal
- 2.R.Latha
- 3.N.Murugesan
- 4.T.Dhanasekaran
- 5.K.Vijayakumar
- 6.S.Murugan
- 7.A.Murugan
- 8.Kaliammal
- 9.A.Amutha
- 10.S.Nathiya
- 11.M.Ilaiyaraja
- 12.S.Muneeswari
- 13.A.Anthony Muthu
- 14.E.Lakshmi
- 15.K.Sethulakshmi

....Petitioners

Vs



W.P(MD).Nos. 3107, 4338 and 5624 of 2024

1.The Additional Chief Secretary to Government
Environment and Forest Department
Secretariat
Chennai 600 009

2.The Principal Chief Conservator of Forests
Guindy-Velachery Main Road
Near Kannikapuram Checkpost
Guindy, Chennai 600 032

3.The Assistant Commissioner of Labour (Enforcement)
Ramanathapuram

4.The Wildlife Warden and Director
Gulf of Manner Biosphere Reserve Trust
Collectorate Campus
Ramanathapuram

....Respondents

WP(MD).No.4338 of 2024

1.P.Meenakshi

2.S.Santhanammal

3.G.Kavitha

4.J.Ramila

....Petitioners

Vs

1.The Additional Chief Secretary to Government
Environment and Forest Department
Secretariat
Chennai 600 009

2.The Principal Chief Conservator of Forests
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Near Kannikapuram Checkpost
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W.P(MD).Nos. 3107, 4338 and 5624 of 2024

4.The Wildlife Warden and Director
Gulf of Manner Biosphere Reserve Trust
Collectorate Campus, Ramanathapuram

....Respondents

WP(MD).No.5624 of 2024

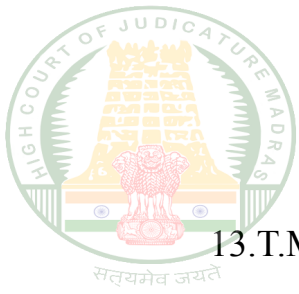
Principal Chief Conservator of Forests and
Head of the Department
Panagal Maligai
Jeenis Road, Saidapet
Chennai 600 015

Now shifted to present address in
Principal Chief Conservator of Forests
(Head of Forest Force)
Forest Head Quarters
Guindy-Velachery Main Road
Near Kannigapuram Check Post
Chennai 600 032

....Petitioner

Vs

- 1.N.Murugesan
- 2.V.Patchamal
- 3.M.Illaiyaraja
- 4.S.Murugan
- 5.A.Murugan
- 6.K.Vijayakumar
- 7.T.Kalaiselvi
- 8.S.Jinnah
- 9.S.Santhanammal
- 10.M.Vallimayil
- 11.K.Kaliyammal
- 12.M.Antony Joseph Suganthi



W.P(MD).Nos. 3107, 4338 and 5624 of 2024

13.T.Mariyapaviyola

14.J.Ramila

15.E.Lakshmi

16.M.Chithiraiselvi

17.A.Amutha

18.K.Muneeswari

19.R.Latha

20.M.Thagammal

21.M.Malarkani

22.S.K.Bhuvaneswari

23.N.Sathiyaveni

24.Y.Babitha Rosemary

25.S.Anthony Muthu

26.S.Nathiya

27.R.Sesurani

28.K.Kavitha

29.N.Rohini

30.J.Mariya Arockiya Pramila

31.K.Augusta

32.M.Rani

33.T.Thanasekaran

34.M.Boopathi

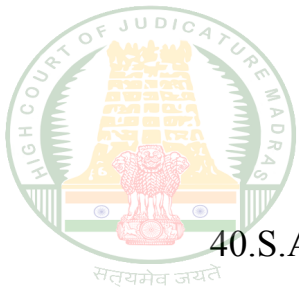
35.A.Praveena

36.P.Sethumuthu

37.M.Seeniyammal

38.P.Meenakshi

39.S.Steffi Graph



W.P(MD).Nos. 3107, 4338 and 5624 of 2024

40.S.Antonyammal

41.A.Vanitha

42.G.Roshni

43.J.Meera

44.S.Malarkodi

45.A.Mariyasoniya

46.V.Mageshwari

47.S.Muthuselvi

48.S.Muneeswari

49.M.Reha

50.E.Puspalatha

51.I.Ramya

52.A.Maria Muthu

53.K.Sethulakshmi

54.M.Muneeswari

55.A.Micheal Prince D'cruz

56.N.Gandhimathi

57.S.Preethi

58.M.Mogambigai

59.K.Nova

60.M.Jothi

61.D.Sngari

62.The Assistant Commissioner of Labour (Enforcement)

Ramanathapuram

Ramanathapuram District

....Respondents



W.P(MD).Nos. 3107, 4338 and 5624 of 2024

Prayer in WP(MD).Nos.3107 & 4338 of 2024: The Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to order permanency of the petitioners' appointment under Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workmen) Act, 1981 as per the orders already passed by the Assistant Commissioner of Labour (Enforcement), Ramanathapuram in his proceedings in R.C.No.A/232/2021 dated 02.02.2022 and as per G.O(D).No.124, Environment, Climate Change -Forest (FR.3) Department dated 30.06.2023, within a specified time frame that may be fixed by this Court.

Prayer in WP(MD).No.5624 of 2024: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent No.62 vide proceedings in Na.Ka.No.Aa/232/2021 dated 02.02.2022 and quash the same as illegal.

WP(MD).No.3107 & 4338 of 2024:

For Petitioners : Mr.S.Visvalingam
For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by M/s.D.Farjana Ghoushia
Special Government Pleader for R1 to R4

WP(MD).No.5624 of 2024:

For Petitioner : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by M/s.D.Farjana Ghoushia
Special Government Pleader
For Respondents : Mr.S.Visvalingam



W.P(MD).Nos. 3107, 4338 and 5624 of 2024

COMMON ORDER

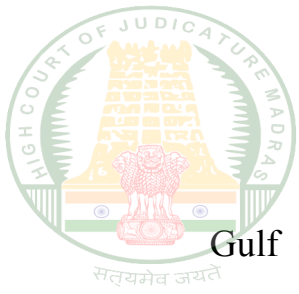
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The Principal Chief Conservator of Forests has filed W.P(MD).No. 5624 of 2024 challenging the order passed by the authority under Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workmen) Act, 1981 (Tamil Nadu Act 46 of 1981) on 02.02.2022 wherein a direction has been issued to confer permanent status upon 51 employees as Forest Watchers.

2.WP(MD).Nos.3107 and 4338 of 2024 have been filed by the employees seeking a mandamus to confer permanent status upon them based upon the above said order dated 02.02.2022 and as per G.O(D).No.124 Environment, Climate Change – Forest (FR.3) Department dated 30.06.2023.

(A)Factual Background:

3.For the conservation and sustainable use of the globally significant assemblage of Coastal bio-diversity, an integrated Gulf of Mannar Biosphere Reserve Management Plan /Project has been formulated in consultation with M.S.Swaminathan Research Foundation. The project was approved by the Government of India and it was decided to be funded through Global Environment Facility. The Government of Tamil Nadu decided to implement the same with the assistance of Global Environmental Facility through a trust deed registered under Indian Trusts Act. The trust was designated as “ The



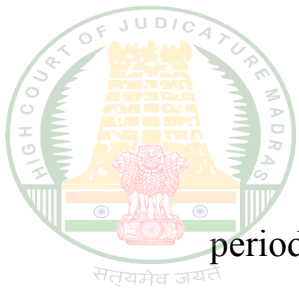
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Gulf of Mannar Biosphere Reserve Trust”. The Chief Secretary was the chairman the trust. Apart from Government officials, a representative from M.S.Swaminathan Research Foundation, Dhan Foundation, an NGO in Madurai were also made members of the trust.

4.The Government of Tamil Nadu sanctioned a sum of Rs.1,00,000/- towards corpus fund. The project was decided to be implemented through Global Environmental Facility which is an United Nation Development Programme through a fund of 7.8 million (U.S. Dollar). To create public awareness on the significance of the bio-diversity of the reserve and to integrate, at the ground level, community development efforts with natural resources management and bio-diversity conservation were among the principal objects of the trust.

5.In the year 2006, Field Project Workers were engaged in the activities of the trust, based on the resolution passed by Eco Development Committee established by the trustee and monthly wages were paid through Eco Development Committee. The externally aided project came to an end on 31.12.2012 and the State had taken over the functioning of the trust from 01.01.2013 onwards through G.O.(Ms).No.265 Environment & Forest (FR9) Department, dated 16.11.2012.

6.A perusal of the Government order reveals that the trust would continue in the present form, structure and autonomy beyond the project

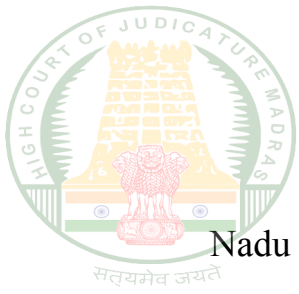


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period of 31.12.2012. The Field Project Workers were paid salary through externally aid fund and after it was taken over by the Government, it was through out-sourcing as per decision taken in the board of trustees meeting held on 26.06.2018. The Project Field Workers sent several representations to the Forest Department to absorb them as Forest Watchers in the time scale of pay from the date of appointment and to give attendant benefits. Since the said representation was not considered, WP(MD).No.20861 of 2019 was filed which was disposed of by this Court on 27.09.2019 directing the authorities to consider the representation and pass orders within a period of 12 weeks.

7.The Chief Conservator of Forest after considering their representation of the Project Field Workers, rejected their request for absorption as Forest Watchers by way of an order dated 31.01.2020 on the ground that those employees were engaged in the activities of the trust based upon the resolution of Eco Development Committee. It was further pointed out in the order that they are engaged on shoreline villages for managing the Village Marine Conservation & Eco Development Committee. Since the trust was not a Government department, the request of the Field Project Workers was rejected. This order was not put to challenge by the employees.

8.The employees thereafter approached the Inspector of Labour, Ramanathapuram invoking the provisions of Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workmen) Act, 1981 (Tamil



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Nadu Act 46 of 1981). As per the averment in the petition, they have contended that they were working as Forest Watchers under the control of Principal Chief Conservator Forest and they are creating awareness to the fishermen. According to the employees, they have completed more than 480 days of service within a period of two years. It was further contended that they have completed 10 years of service from the date of their appointment and they sought conferment of permanent status upon them.

9.The Principal Chief Conservator of Forest filed a counter contending that they never worked under the Forest Department as Forest Watchers. In fact, they were employed only as Field Project Workers under the trust. Their salary was initially funded by United Nation and later, funded by the State through trust. It was further contended that even if the trust was taken over by the Government, it was only for the purposes of funding the trust and autonomy of the trust continued.

10.The Inspector of Labour had framed the following issues:

- a)Whether Tamil Nadu Act 46 of 1981 is applicable to Gulf of Mannar Biosphere Reserve Trust.?
- b)Whether the workmen had been employed through a contractor or directly under the Principal Chief Conservator of Forest.?
- c)In case, if 63 employees had really worked under the



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respondent establishment, for what relief they are entitled to?

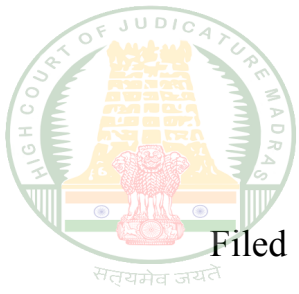
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11.The Inspector of Labour arrived at a finding that the trust is amenable to Tamil Nadu Act 46 of 1981. The employees were not engaged through a contractor, but directly employed by the Principal Chief Conservator of Forest. The salary was paid through the funds allotted by the Government. The authority further found that even though no order of appointment was issued, it is clear that they are working for several years. In such circumstances, they are entitled to be conferred with permanent status. This order is put to challenge by the Principal Chief Conservator of Forest in WP(MD).No.5624 of 2024.

(B)Submissions made by the learned counsel appearing on either side are as follows:

12.The learned Additional Advocate General appearing for the Forest Department submitted that the employees concerned were never employed under the Forest Department. Right from the beginning they are employees of a trust which was initially funded by the United Nations and later, it was funded by the State Government. Even after the trust was taken over by the Government, the trust maintained its autonomy. The learned Additional Advocate General had further submitted that the employees were engaged for a specific project work namely Gulf of Mannar Biosphere Reserve Project.

13.The learned Additional Advocate General further submitted that the



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Filed Project Workers were engaged on seashore villages for managing the Village Marine Conservation and Eco Development Committees, issuing loans, maintenance of EDC Accounts, conducting meeting, creating awareness and identifying sustainable livelihood options among the fishermen communities. They were never involved in any forest work or as a watcher at any point of time. The learned Additional Advocate General had further submitted that there is no employer employee relationship between the Principal Chief Conservator of Forest and Field Project Workers, except the salary is being funded by the Government to the trust.

14.The learned Additional Advocate General had further submitted that Tamil Nadu Act 46 of 1981 cannot be invoked to enter into the Government service through back door entry, in violation of the decision of the Hon'ble Supreme Court reported in ***AIR 2006 SC 1806 (Secretary, State of Karnataka and others Vs. Umadevi and others)***. The learned Additional Advocate General had further submitted that the request of the employees to regularise their service in the cadre of Forest Watchers in the time scale of pay was rejected by Principal Chief Conservator of Forest on 31.01.2020. Without challenging the said order, they have approached the authority under Tamil Nadu Act 46 of 1981.

15.The learned Additional Advocate General had further submitted that Tamil Nadu Act 46 of 1981 cannot be invoked for getting permanent status in



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Government service, especially when the employees were appointed through a trust and for a special project. He had further pointed out that even assuming that Tamil Nadu Act 46 of 1981 is applicable to the employees, they can seek permanency only in the trust and not in a Government department, in view of the fact that they were never employed to the Government department.

16.The learned Additional Advocate General had further stated that merely because a particular project is being funded by the Government, the project employees cannot seek regularisation of service under the Government. Hence, he prayed for allowing the writ petition.

17.Per contra, the learned counsel appearing for the employees workmen submitted that, though initially the trust was funded externally by the United Nations, the entire trust was taken over by the Government. Therefore, they have become employees of the State Government. The entire salary is paid through the funds of the State Government. He had further submitted that the similarly placed persons have already been absorbed in the Government department who were earlier working the projects.

18.The learned counsel for the workmen had relied upon a Division Bench judgment of this Court in ***W.A.No.2731 of 2018 (R.Ramalekshmi Vs. The State of Tamil Nadu and others)*** dated 31.08.2021 wherein the Hon'ble Division Bench was pleased to allow the writ appeal and directed



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regularisation of the service of a computer operator who was working as a casual employee in Tamil Nadu Forest Plantation Corporation. He had further submitted that the said order has been complied with by the Department by issuing G.O.(D).No.124 Environment, Climate Change-Forest (FR.3) Department, dated 30.06.2023. He further pointed out that the present employees are similarly placed persons and therefore, the order of Inspector of Labour under Tamil Nadu Act 46 of 1981 may be confirmed.

19.The learned counsel for the workmen also relied upon the proceedings issued by the Principal Chief Conservator of Forests (Head of Forest Force), Guindy, Chennai, dated 06.03.2024 wherein in identical cases, 111 eligible Non-Scheduled Tribe Anti-Poaching Watchers who had completed 10 years of service were granted regularisation. He had further submitted that the entire project is being funded by the State Government through the Forest Departments and in such circumstances, the Forest Department cannot contend that they are not the employers. Hence, he prayed for allowing W.P(MD).Nos.3107 and 4338 of 2024 which are filed by the employees to implement the order of Inspector of Labour.

20.Heard both sides and perused the material records.

(C). Discussion

21.The Government of Tamil had issued G.O.(Ms).No.263



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Environment and Forests (F.R.V) Department dated 19.12.2000 creating a trust with a corpus fund of Rs.1,00,000/- under the name of 'Gulf of Manner Biosphere Reserve Trust'. This trust was initially funded by the United Nations. The external aid from the United Nations came to an end on 31.12.2012 and from 01.01.2013 onwards the Government of Tamil Nadu started funding the same by issuing G.O.(Ms).No.265 Environment & Forest (FR9) Department, dated 16.11.2012. A perusal of the said G.O. reveals that the present form, structure and autonomy of the trust would continue despite the fact that the Government is taking over the functioning of the trust. The funding was initially made through forest department but later it was out-sourced to other non-governmental organisations.

22.It is not in dispute that the workmen were initially appointed as Field Project Workers by Gulf of Manner Biosphere Reserve Trust. They were appointed between 2006 to 2019. According to the workmen, since the trust was taken over by the Government of Tamil Nadu and funded through the Forest Department, they are eligible to be conferred with permanent status as Forest Watchers in the Forest Department.

23.The petitioner started sending several representations to the forest department to absorb them as forest watchers in a regular time scale of pay. This representation was rejected by the Principal Chief Conservator of Forest by an order dated 31.01.2020, on the ground that they never worked under the



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forest department but they are worked only under the trust. This order was not put to challenge by the workmen.

24.The facts narrated above will clearly disclose that the Field Project Workers were only engaged in shoreline villages and they have to engage with fishermen community to create awareness among them. It is not in dispute that they have never worked in the forest department and their work was restricted to shoreline villages to implement the Gulf of Mannar Biosphere Reserve Project.

25.The workmen approached the Inspector of Labour under Tamil Nadu Act 46 of 1981 arraying the Principal Chief Conservator of Forest as respondent on the alleged ground that they are employed under the forest department. The Inspector of Labour without considering the fact, who is the employer of the workmen, has proceeded to pass the impugned order that the concerned workmen should be conferred with permanent status as forest watchers. This direction has been issued to the Principal Chief Conservator of Forest.

26.As rightly contended by the learned Additional Advocate General, even assuming that they are casual or temporary employees, they can seek regularisation or permanent status only as a trust employee and not as a Government employee under the Forest Department. It is an admitted fact that these employees have never worked as casual or temporary forest



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watchers. Merely because Tamil Nadu Government is funding the Gulf of Mannar Biosphere Reserve Project through the forest department, they cannot seek regularisation in the Forest Department.

27.The learned counsel for the respondents had relied upon a decision of the Hon'ble Division Bench in ***W.A.No.2731 of 2018 (R.Ramalekshmi -Vs-The State of Tamil Nadu and others)*** wherein a computer operator was directed to be regularised in the Forest Department. A perusal of the said judgement reveals that the petitioner therein was working as a casual labourer in Tamil Nadu Plantation Corporation Limited which is a corporation under the Forest Department. This order of the Hon'ble Division Bench was complied with by the Forest Department by issuance of G.O.(D).No.124 Environment, Climate Change-Forest (FR.3) Department, dated 30.06.2023. However, in the present case, the employees are working in shoreline villages under a special project as trust employees. Except the fact that the funding is done through the Forest Department, the employees never had any connection with the Forest Department. Therefore, the said Division Bench judgment and the Government order are not applicable to the facts of the present case.

28.The learned counsel also relied upon the proceedings of the Principal Chief Conservator of Forest dated 06.03.2024 where regularisation was granted to 111 eligible persons. A perusal of the said order reveals that the Non-scheduled Tribe Forest Watchers who have completed 10 years of



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service have been regularized as Forest Watchers. The petitioners having never employed as Anti-poaching Watchers in the Forest Department, cannot rely upon the said order.

29.The Inspector of Labour without considering the fact that the employees are trust employees and they have never worked under the Forest Department, has proceeded to pass an order directing the Principal Chief Conservator of Forest to confer permanent status upon the employees as Forest Watchers. This is nothing but a clear case of permitting the back door entry into the Government service and in violation of the orders of the Hon'ble Supreme Court in *Umadevi's* case reported in **AIR 2006 SC 1806** (*Secretary, State of Karnataka and others Vs. Umadevi and others*).

(D).Conclusion

30.In view of the above said deliberations, this Court is inclined to pass the following orders:

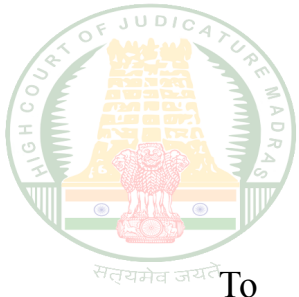
a)W.P(MD).No.5624 of 2024 stands allowed.

b)W.P(MD).Nos.3170 and 4338 of 2024 stand dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

06.08.2025.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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W.P(MD).Nos. 3107, 4338 and 5624 of 2024

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Environment and Forest Department
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Collectorate Campus
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5.The Section Officer
V.R.Section
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

msa

Pre-delivery common order made in

W.P.(MD).Nos.3107, 4338 and
5624 of 2024 and
WMP(MD).Nos.4161 & 5333 of
2024

06.08.2025